

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
22-CA-320774Date Filed
June 27, 2023

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Maher Terminals LLC		b. Tel. No. (908) 527-8200
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1210 Corbin St, Elizabeth, NJ 07201	e. Employer Representative Gary Cross, President & CEO	g. e-mail (b) (6), (b) (7)(C) @maherterminals.com
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Port	j. Identify principal product or service	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(3), 8(a)(5) & 8(e) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Please see attached synopsis of charge

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

International Union of Operating Engineers Local 825

4a. Address (Street and number, city, state, and ZIP code) 65 Springfield Avenue, 3rd Floor, Springfield, NJ 07081	4b. Tel. No. (973) 671-6900
	4c. Cell No. (973) 617 - 6431
	4d. Fax No.
	4e. e-mail lsantiago@iuoe825.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

International Union of Operating Engineers

6. DECLARATION

I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.

/s/ Vincent Giblin

Vincent Giblin, Esq.

(signature of representative or person making charge)

(Print/type name and title or office, if any)

61 S. Paramus Road, Suite 250, Paramus, NJ 07652

Address

Date 06/27/23

Tel. No.
(201) 928-1100Office, if any, Cell No.
(201) 956-0914

Fax No.

e-mail
vgiblin@decotiislaw.comWILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

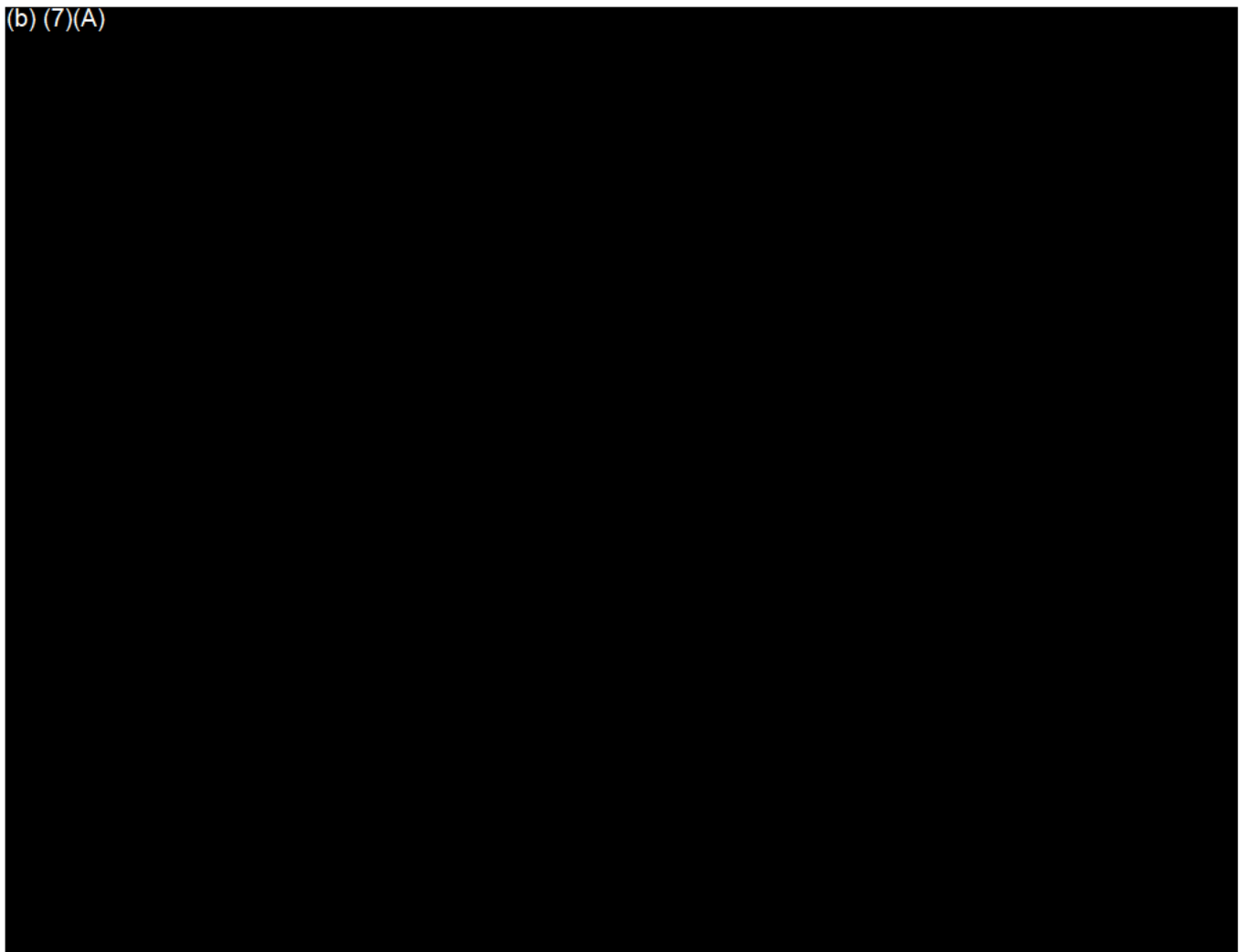
Preliminary Statement

The International Union of Operating Engineers Local 825 ("IUOE Local 825" or "Charging Party") alleges that the Maher Terminal and APM Terminal (Maher Terminal and APM Terminal are collectively the "Terminal Operators") violated and continue to violate Section 8(a)(3) of the of the National Labor Relations Act ("NLRA" or the "Act"), 29 U.S.C. § 158(a)(3), by discriminating with regard to the employment of IUOE Local 825 members at their respective facilities in order to encourage membership in the International Longshoremen Association ("ILA").

IUOE Local 825 further alleges that the Terminal Operators have conspired with the ILA and assisted them as they violated and continue to violate Section 8(e) of the Act by entering into an agreement with the purpose of having the Terminal Operators refuse to do business with any contractor affiliated with IUOE Local 825. Finally, IUOE Local 825 alleges that the Terminal Operators, in concert with the ILA, have violated and continue to violate Sections 8(b)(3) & 8(a)(5) of the NLRA by failing to bargain in good faith with IUOE Local 825 and IUOE Local 825 signatory contractors over the nature of the work stoppage and the terms of the letter agreement setting forth the jurisdictional claims to work as further described below.

ILA'S Pervasive, Concerted & Continued Unlawful Activity & the Terminal Operators Support

(b) (7)(A)



(b) (7)(A)



Based on the foregoing, IUOE Local 825 requests a finding that the Terminal Operators, at the direction of the ILA, violated the Act by discriminating against IUOE Local 825 signatory contractors and IUOE Local 825 members by ceasing work at the Project and their respective facilities, removing IUOE Local 825 Operators from the Project and their respective facilities, and canceling prospective work

involving IUOE Local 825 signatory contractors to encourage membership in the ILA Locals. Further, IUOE Local 825 requests a finding that the Terminal Operators, through and in concert with the ILA, violated the Act by entering into an agreement with the purpose of having the Terminal Operators cease doing business with IUOE Local 825 and its affiliated contractors. Further, the Terminal Operators, through and in concert with the ILA, violated the Act by negotiating in bad faith with IUOE Local 825 and its signatory contractors regarding the LOU and the Project.